

### **REMARKS**

Claims 1-66 are currently pending in the subject application and are presently under consideration. Applicant's representatives would like to thank the Examiner for the courtesies extended in the telephonic interview on August 7, 2007. Claims 1, 31, 38, and 54 have been amended as shown on pages 2-10 of the Reply. Claims 17 and 46 have been canceled and incorporated into claims 1 and 38 respectively. However, since claims 1, 31, 38, and 54 have been rewritten to include dependent claim limitations, no new claim scope is intended.

Claims 63-66 have been added to include some additional dependent claim limitations. No new claim scope is intended.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 1, 3-6, 9-28, 38-41, 44-47, 49-54, 56-57 and 59-60 Under 35 U.S.C. §103(a)**

Claims 1, 3-6, 9-28, 38-41, 44-47, 49-54, 56-57 and 59-60 stand rejected under 35 U.S.C. §103(a) as being unpatentable by Gray (U.S. 6,674,403) in view of Tang (U.S. 7,139,557). This rejection should be withdrawn for at least the following reasons. Gray in view of Tang fails to teach or suggest *each and every element* of the subject claims.

In amended claim 1 (which incorporates former dependent claim 17) and similarly, in claims 31, 38, 54, and 54, the Office Action contends that Gray in view of Tang discloses, "A system that facilitates...*the detection component automatically extends a sensing range to detect at least one of a predetermined type of the devices.*" (emphasis added) (Gray: col. 10, lines 35-42)." However, Gray discloses:

"the mobile communication device 120 or the communication media access points 110 can be used as the source of the signal medium for the purposes of the survey. During the active use (i.e., post-training), the same configuration would be employed with which to provide readings to the statistical model to determine the location and movement of the mobile device 120, by a location and tracking manager 170." (column 10, lines 35-42).

More specifically, Gray discloses a statistical model determines the location and movement of the mobile device 120, by a location and tracking manager; nowhere does Gray disclose or suggest automatically extends a sensing range to detect. Accordingly, Gray does not disclose or suggest the detection component automatically extends a sensing range to detect at least one of a predetermined type of the devices. Consequently, withdrawal of these rejections is respectfully requested and all claims that depend there from.

In dependent claim 18 and similarly, in claims 47, 63, and 65, the Office Action contends that Gray in view of Tang discloses, “*the detection component automatically extends a sensing range to detect at least a predetermined number of the devices.*” (emphasis added) (Gray: col. 10, lines 35-42).” However, Gray discloses:

“the mobile communication device 120 or the communication media access points 110 can be used as the source of the signal medium for the purposes of the survey. During the active use (i.e., post-training), the same configuration would be employed with which to provide readings to the statistical model to determine the location and movement of the mobile device 120, by a location and tracking manager 170.” (column 10, lines 35-42).

In particular, Gray discloses a statistical model determines the location and movement of the mobile device 120, by a location and tracking manager; nowhere does Gray disclose or suggest automatically extends a sensing range to detect. Accordingly, Gray does not disclose or suggest the detection component automatically extends a sensing range to detect at least a predetermined number of the devices.

In view of at least the forgoing it is clear that an identical invention as recited in the subject claims is not taught or suggested by Gray. Hence withdrawal of this rejection is respectfully requested and all claims that depend there from.

Regarding claims 27 and 64, the Office Action contends that Gray “teaches the detection component conserves power by beginning at a low signal strength and automatically increasing the signal strength until the desired result is reached (fig. 3b; col. 10, lines 5-59; col. 11, lines 6-9; col. 12, lines 8-23, that by training based on the strength of the signal the model is developed off the information to produce the desired results).

However, Gray discloses:

These manual, semi-automated and automated techniques make use of a statistical mechanism to provide a correlation of the communication signal strengths obtained during the survey walkthrough with locales in the defined space. Such a statistical model can be implemented by the signal strength modeler 160...can generate the statistical signal strength model..." Column 10, lines 14-34).

Moreover, Gray discloses, "In FIG. 3B, each access point A, B, C, and D has its own signal strength pattern, wherein "X" is located at about A=50%, B=60%, C=25% and D=50%. Additionally, Gray discloses, "With the defined space having been trained, position detection and motion tracking are accomplished under the control of a location and tracking manager 170 within and among the locales by processing actual signal strength data of a mobile device 120 as it moves about the defined space, and comparing the actual data against the known statistical signal strength model" (column 12, lines 8-14).

Gray teaches the system 100 may include manager 190 for determining placement of access points 110 within a defined space and an analysis of interference characteristics in light of a range of signal strengths from mobile devices 120 help determine access point 110 placement; that is what Gray discloses as the defined space having been trained (column 11, line 51-column 12, line 14). Moreover, *Gray further discloses that the signal strength patterns help determine the location of mobile device 120 within the defined space (column 12, lines 17-25).*

Accordingly, the Office Action on page 8 incorrectly contends "that by training based on the strength of the signal the model is developed off the information to produce the desired results" because Gray does not teach or suggest that the detection component conserves power by beginning at a low signal strength and automatically increasing the signal strength until the desired result is reached. As a result, withdrawal of this rejection is respectfully requested and all claims that depend there from.

With respect to claims 41 and 66, the Office Action erroneously contends on page 9 that Gray discloses, "displaying the multi-dimensional representation of the location of the device relative to the portable terminal when both the device and the portable terminal

are moving (Abstract, that when a defined space is set, the devices can move or stationary; fig. 7; col. 14, lines 47-59).” However, Gray discloses:

“In such cases, the GUI may display some or all of the digital floor plan as well as the current location of the mobile device 120. It may also display the historical information, such as the path taken through the defined space. FIG. 7 shows a screen shot 700 of a representative GUI having content supplied from the mobile device detection and tracking system 100, and that may be provided on mobile communications devices 120. GUI 700 is shown displaying a portion of a digital floor plan map 710. Superimposed on the digital floor plan is an icon 720 indicating the position of the user of the mobile device 120 within the defined space” (Column 7, lines 47-59; Figure 7).

Gray in view of Tang fails to disclose dynamically displaying the multi-dimensional representation of the location of the device relative to the portable terminal when *both the device and the portable terminal are moving*. Instead, Gray discloses when *only* the mobile device 120 is moving.

Also, Tang discloses the C/D device (the examiner equates to the device in claim 1) is connected to the MUX via a LAN line (Tang: column 5, lines 53-63); a LAN is not necessarily a mobile device and absent Tang explicitly disclosing the LAN is mobile, Tang fails to disclose the claimed limitation. Further, Tang discloses the system further includes at least one multiplexer (MUX) in communication with at least one of the communication/detection devices and at least one server including content stored thereon to provide at least one service to the client program on mobile device (abstract, lines 10-15; figure 1); again Tang does not disclose the communication/detection device is mobile. Tang discloses the mobile device is a client (column 5, lines 5-8). As a result, withdrawal of the rejection is respectfully requested and all claims that depend there from.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP429US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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